

DOCKET NO.: NNH-CV17-6072389-S	:	SUPERIOR COURT
	:	
ELIYAHU MIRLIS	:	J. D. OF NEW HAVEN
	:	
v.	:	AT NEW HAVEN
	:	
YESHIVA OF NEW HAVEN, INC.	:	APRIL 5, 2019
FKA THE GAN, INC. FKA THE GAN	:	
SCHOOL, TIKVAH HIGH SCHOOL AND	:	
YESHIVA OF NEW HAVEN, INC.	:	

**REPLY TO OBJECTION TO PLAINTIFF’S
REQUEST TO PERMIT ENTRY ON DESIGNATED LAND**

The plaintiff in the above entitled action, Eliyahu Mirlis (“Plaintiff”), hereby submits his reply to the Objection to Plaintiff’s Request to Permit Entry on Designated Land, filed by the defendant, Yeshiva of New Haven, Inc. f/k/a the Gan, Inc. f/k/a the Gan School, Tikvah High School and Yeshiva of New Haven, Inc. (“Defendant”).

Pursuant to Practice Book § 13-9, Plaintiff sought to inspect the premises known as 765 Elm Street, New Haven, Connecticut (the “Property”), which is the subject of this foreclosure action, for the purposes of conducting an appraisal. Plaintiff needs to conduct an appraisal in order to prosecute this action to judgement as he would need to establish the value of the Property so that the Court can determine, *inter alia*, the manner of foreclosure. Plaintiff believes that value of the Property will likely be disputed in this action, and that Defendant may attempt to substitute Plaintiff’s lien for a bond in the value of the Property pursuant to Conn. Gen. Stat. § 52-380e as its president, Daniel Greer, who is directing and controlling this litigation, did in Mirlis v. Greer, NNH-CV17-6072481-S. Thus, it is critical that Plaintiff obtain access to the Property for an appraisal. While Plaintiff previously had his appraiser inspect the Property, that was over a year ago, and an inspection has to be done again to avoid making an extraordinary assumption. Plaintiff waited to prosecute this action and move for judgment because the parties had been

ORAL ARGUMENT NOT REQUESTED
TESTIMONY NOT REQUIRED

discussing settlement. However, since those negotiations have broken down, Plaintiff is now actively proceeding with this action.

WHEREFORE, Plaintiff respectfully that the Court overrule Defendant's objection and grant such other and further relief as justice requires.

THE PLAINTIFF
ELIYAHU MIRLIS

By: /s/ John L. Cesaroni
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CERTIFICATE OF SERVICE

This is to certify that today a copy of the foregoing Reply to Objection to Plaintiff's Request to Permit Entry on Designated Land was sent to all appearing parties and counsel of record as follows via electronic mail:

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